



How has the blue card application process changed?

In Queensland, the blue card regime and assessment process is regulated under the *Working with Children Check Act 2000* (Qld) (**WWCC Act**) and administered by Blue Card Services.

The WWCC Act was recently amended. The amendments included a new suspension power, changes to who needs a blue card, the assessment process and the test that applies to applications for a blue card.

The new risk assessment process

Under the amended blue card assessment process, some applications for a blue card will be automatically approved or denied based on the applicant's assessable information, and some will be risk assessed by Blue Card Services (sections 227, 228, 229 and 230 WWCC Act).

The risk assessment process involves a new threshold for blue card eligibility. The threshold question is whether there is a "real possibility" that the person who applied for a blue card "poses a risk to the safety of children" (sections 231 and 232 WWCC Act).

Blue Card Services can only decide that an applicant does not pose a risk to the safety of children if it decides that a "reasonable person" would allow his or her child to have direct contact with the applicant:

- Either supervised by another person or alone; and
- While the applicant is working in an industry or profession that is regulated under the blue card regime (section 233 WWCC Act).

Blue Card Services must consider all of the applicant's circumstances when it weighs up what a reasonable person would think. For example, in relation to any previous conduct, Blue Card Services must consider things like:

- How the conduct is relevant to engaging in regulated employment or carrying on of a regulated business;
- How serious the conduct was, and whether it involved a child;
- How long ago it happened, and whether anything like it has happened again since; and
- Submissions made by the applicant;
- Any other relevant circumstances or information (section 234 WWCC Act).

Each of these considerations may weigh for or against the applicant being issued with a blue card, but the decision of Blue Card Services must take everything into account together. Blue Card Services has published [Risk Assessment Guidelines](#) which provides broad guidance on factors Blue Card Services are required to consider in doing a risk assessment.

When it applies the test, Blue Card Services may also ask for advice or recommendations of an advisory committee, or consider the advice of an expert advisor (for example, about the applicant's mental health).

For information about how the amendments affect applications currently before QCAT, please see our factsheet [What happens to my review or appeal before Blue Card Services or QCAT?](#).

For more resources, visit [LawRight's Blue Card factsheets page online](#).

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